BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
June 20, 2006

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, Chairman, at 1:00 P. M., Tuesday, June 20, 2006, in the Board Chambers, Stafford County Administration Center.

<u>Roll Call.</u> The following members were present: George H. Schwartz; M. S. 'Joe' Brito; Jack R. Cavalier, Vice Chairman; Mark Dudenhefer; Peter J. Fields; Robert C. Gibbons, Chairman. Paul V. Milde III arrived at 1:05.

Also in attendance were: Steve Crosby, County Administrator; Joe Howard, County Attorney and Marty Y. Beard, Chief Deputy Clerk.

<u>Presentation of 2006 Achievement Award Winner to Brad Coldell for his Science Fair</u>

<u>Project on Safety Belt Survey.</u> The Chairman and Sheriff Jett presented a certificate.

<u>Legislative</u>; <u>Board of Zoning Appeals Annual Report.</u> Larry Ingalls, Chairman of the Board of Zoning Appeals, gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Insurance and Risk Assessment.</u> Ms. Faith Perry and James M. Graham of Poms & Associates Insurance Brokers, Inc., an insurance consulting firm, gave a presentation and responded to Board members questions.

Hearing no objections, the Board moved Item 15 up on the Regular Agenda.

Finance; Award a Contract to the Virginia Association of Counties (VACo) for Liability,
Property and Workers' Compensation Insurance and Award Insurance Contracts for Fire
& Rescue Personnel and Sheriff Special Deputies.

Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-291.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Resolution R06-291 reads as follows:

A RESOLUTION TO AWARD A CONTRACT TO THE VIRGINIA
ASSOCIATION OF COUNTIES (VACo) FOR LIABILITY, PROPERTY
AND WORKERS' COMPENSATION INSURANCE AND TO AWARD
INSURANCE CONTRACTS FOR FIRE & RESCUE PERSONNEL AND
SHERIFF SPECIAL DEPUTIES

WHEREAS, the Board has appropriated funds for the County insurance needs; and

WHEREAS, the Virginia Association of Counties (VACo) has submitted a proposal to the County for liability and property insurance; and

WHEREAS, the VACo proposal is more cost efficient than the Virginia Municipal League (VML) and States Insurance proposals for liability, property and workers' compensation insurance; and

WHEREAS, funds are available in the County budget to increase coverage for Fire, Rescue and Emergency Services and Special Deputies, to provide automobile, liability, property, accident and sickness insurance with significantly improved coverages; and

WHEREAS, budgeted funds are available to contract insurance coverage for the Fire, Rescue and Emergency Services and Special Deputies;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the County Administrator be and he hereby is authorized to:

- 1. Execute a contract with VACo for liability, property and workers' compensation insurance for FY07.
- 2. Execute a contract with VFIS Insurance Company for the Volunteer Fire and Rescue, and Special Deputies for automobile, liability, and property insurance with significantly improved coverage.
- 3. Execute a contract with Provident for volunteer Fire and Rescue, Special Deputies for accidental sickness insurance coverage.

<u>Legislative</u>; <u>Compensation Study Committee</u>. Ms. Tammi Ellis, Director of Human Resources, gave a presentation and responded to Board members questions.

Hearing no objections from the Board, Item 26 was moved up on the Regular Agenda.

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Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R06-290.

Mr. Brito made a substitute motion to authorize a 4% raise maximum and defer this item

for further review along with the health insurance program.

The motion died for lack of a second to the motion.

The Voting Board tally on the original motion was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution R06-290 reads as follows:

A RESOLUTION TO ADOPT THE COMPENSATION STUDY

WHEREAS, the compensation study includes a comprehensive look at employee

compensation and benefits and establishes a market-based pay scale; and

WHEREAS, the market-based compensation study is an important organizational

tool that collects salary and benefit data for benchmark positions from comparable

organizations based on location, organizational structure and competition in the

workforce; and

WHEREAS, the compensation study would be implemented over the next two

fiscal years as funds are available;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 20th day of June, 2006, that the County Administrator be and he

hereby is authorized to implement the Compensation Study.

<u>Legislative</u>; <u>Report of the VDOT Resident Administrator</u>. Ms. Jorg Hucklebee-Mayfield, Resident Administrator, gave a presentation and responded to Board members questions.

<u>Legislative</u>; Work Session on Capital Improvements Program for General Fund. The Deputy County Administrator gave a presentation and responded to Board members questions.

Mr. Fields commented further.

Discussion ensued.

<u>Legislative</u>; Work Session on Capital Improvements Program for Schools. Mr. Dudenhefer commented.

Discussion ensued.

<u>Legislative</u>; Work Session on Capital Improvements Program for Utilities. Mr. Fields commented.

Recess. At 3:10 P.M., the Chairman declared a recess.

Call to Order. At 3:21 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; Work Session on Capital Improvements Program for Bond Issues for <u>Transportation</u>. Mr. Michael Rhodes, Transportation Commission member, gave a presentation and responded to Board members questions.

Mr. Fulton deLamorton, Transportation Engineer, commented further.

Discussion ensued.

<u>Legislative</u>; Work Session on Capital Improvements Program for Bond Issues for Parks and Recreation. Mr. Greg Sager, Director of Parks and Recreation, gave a presentation and responded to Board members questions.

Hearing no objections from the Board, it was determined that a work session will be scheduled on the Capital Improvements Program.

<u>Legislative</u>; <u>Closed Meeting.</u> At 4:25 P.M., Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM06-22.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Resolution CM06-22 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to discuss in Closed Meeting one personnel matter; and

WHEREAS, pursuant to Section 2.2-3711 A1 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 20th day of June, 2006 does hereby authorize discussions of the aforestated matter in Closed Meeting.

Call to Order. At 5:09 P. M. the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-22a.

The Voting Board tally was:

Yea: (6) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Absent: (1) Dudenhefer

Resolution CM06-22a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 20, 2006

WHEREAS, the Board has, on this the 20th day of June, 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 20th day of June 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

<u>Presentation.</u> Mr. Steve Hubble, Environmental Programs Coordinator, Code Administration, introduced Mike Lee and Matt Criblez of The Department of Conservation and Recreation, who gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Request Review by State Agencies</u>. Mr. Fields motioned, seconded by Mr. Milde, to request staff have various state agencies review the proposed ordinance on the water resource overlay.

The Voting Board tally was:

Yea: (6) Gibbons, Milde, Schwartz, Brito, Cavalier, Fields

Nay: (0)

Absent: (1) Dudenhefer

Recess. At 5:30 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 7:00 P.M., the Chairman called the meeting back to order.

<u>Invocation.</u> The Chairman requested a moment of silence be observed in memory of Leonard Ogden Rogers.

<u>Pledge of Allegiance.</u> Troop 949 of the Latter Day Saints at Eustace Road lead in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentation of Proclamations.

- Fredericksburg Regional Transit Drivers Bob Knicely, Stanley McInturff and Butch Shields.
- Jeffrey Kenneth Mitchell.
- · Gabriella March.

• Julie Ehrmann.

<u>Presentation on Results of Stafford Civil War Sites by Glenn Trimmer.</u> Mr. Trimmer gave a presentation and responded to Board members questions.

<u>Presentations by the Public.</u> The following persons spoke on topics as identified:

Antoinette Franke - Save Crow's Nest.

Bill Roth - School funds.

D. P. Newton - Phase 1 architectural studies.

Anita Dodd - Phase 1 architectural studies.

Spencer Hudson - Ordinances.

- Phase 1 architectural studies.

Supports D. P. Newton and his efforts.

Cecelia Kirkman - Plan review.

Don Hall - Ordinance changes and costs.

Growth.

Budget; Appropriate Additional FY2007 Funds to the Schools in the Amount of \$800,000. The County Administrator gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-296.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Brito, Cavalier, Fields, Gibbons

Nay: (0)

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Absent: (1) Dudenhefer

Resolution R06-296 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE ADDITIONAL FUNDS

TO THE SCHOOL OPERATING FUND IN FY2007

WHEREAS, during the Budget Work Session on May 16, 2006, the Board

discussed the FY07 Local School Funding Allocation; and

WHEREAS, once appropriated, this allocation provides the School Operating

Fund with a revenue source toward operating expenses; and

WHEREAS, once the School Budgets are appropriated, the Schools have legal

authorization to spend the appropriated amount; and

WHEREAS, should the Board desire to increase the Local School Funding

allocation by \$800,000, a public hearing is required; and

WHEREAS, funding for the \$800,000 would be from the General Fund, Fund

Balance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 20th day of June, 2006, that Eight Hundred Thousand Dollars

(\$800,000) be and it hereby is budgeted and appropriated as follows:

GENERAL FUND

Transfer to other Funds

\$800,000

SCHOOL OPERATING FUND

\$800,000

<u>Planning</u>; <u>Consider Various Amendments to the Zoning Ordinance.</u> Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation on various zoning ordinance changes.

The Chairman opened the public hearing on all zoning ordinance changes.

The following persons spoke:

Robert Berner

Cecelia Kirkman

Spencer Hudson

Harvey Gold

The Chairman closed the public hearing.

Section 28-25 and Section 28-39, Special Regulation, to Provide Guidelines on Cemeteries.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-39.

Mr. Milde made a substitute motion, seconded by Mr. Cavalier, to refer this item to a committee of Mr. Cavalier and Mr. Milde for further review.

The Voting Board tally on the substitute motion was:

Yea: (3) Cavalier, Gibbons, Milde

Nay: (3) Brito, Fields, Schwartz

Absent: (1) Dudenhefer

The Voting Board tally on the original motion was:

Yea: (3) Schwartz, Brito, Fields

Nay: (3) Cavalier, Gibbons, Milde

Absent: (1) Dudenhefer

Mr. Gibbons motioned, seconded by Mr. Cavalier, to defer proposed Ordinance O06-39.

The Voting Board tally was:

Yea: (6) Cavalier, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Absent: (1) Dudenhefer

Section 28-125, Conditional Use Permits and 28-205, Notice of the Zoning Ordinance, Requiring Public Notice on Properties Prior to a Public Hearing for A CUP and Reclassification. Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-42.

The Voting Board tally was:

Yea: (6) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Absent: (1) Dudenhefer

Ordinance O06-42 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 28-185, CONDITIONAL USE PERMITS; AND, SECTION 28-205, NOTICE, OF THE ZONING ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Code; and

WHEREAS, Section 15.2-2204 of the Code of Virginia (1950), as amended, states the County can require a second means of providing notice to the public as to when a public hearing with the Planning Commission and Board is being held for a specific property; and

WHEREAS, the Zoning Ordinance does not require a public notice sign to be posted on properties subject to a public hearing with the Planning Commission and the Board for a Conditional Use Permit; and

WHEREAS, the Zoning Ordinance does not require a public notice sign to be posted on properties subject to a public hearing with the Board for a reclassification; and

WHEREAS, the Board believes that posting of public hearing signs enhances public knowledge and awareness of pending County actions; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-185 and Section 28-205 of the Zoning Ordinance as follows where all other portions remaining unchanged:

Sec. 28-185. Conditional use permits.

(c) Conditional use permits.

(3) After receiving the report and recommendation of the staff, the planning commission shall, pursuant to notice and public hearing requirements of § 15.1-431 15.2-2204 of the Code of Virginia, hold a public hearing and make a recommendation on the application to the board of supervisors to grant, grant with conditions, or deny the conditional use permit.

- (4) Upon receiving the report and recommendation of the planning commission, the board of supervisors shall hold a public hearing pursuant to notice and public hearing requirements of § 15.1-431 15.2-2204 of the Code of Virginia. Subsequent to the public hearing, the board of supervisors shall render a decision on the application to grant, grant with conditions, or deny the conditional use permit.
- (6). At least fifteen (15) days prior to a conditional use permit public hearing before the planning commission and board of supervisors, the applicant shall erect on the property proposed for a conditional use permit, a sign or signs furnished by the planning director or his designee indicating the proposed use, and the date, time, and place of the hearing. The sign shall be erected by the applicant within ten (10) feet of whatever boundary line of such property abuts a public road, and shall so be placed as to be clearly visible from that road. The bottom of the sign shall be not less than two and one-half (2 1/2) feet above the ground. If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property proposed for the conditional use permit, then signs shall be erected in the same manner on at least two (2) boundaries of the property abutting land owned by the applicant.

Sec. 28-205. Notice. (rezoning)

(b) At least fifteen (15) days prior to a map amendment public hearing before the planning commission and board of supervisors, the applicant shall erect on the property proposed for a rezoning, a sign or signs furnished by the planning director or his designee indicating the change proposed, and the date, time, and place of the hearing. The sign shall be erected by the applicant within ten (10) feet of whatever boundary line of such property abuts a public road, and shall so be placed as to be clearly visible from that road. The bottom of the sign shall be not less than two and one-half (2 1/2) feet above the ground. If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property

proposed for rezoning, then signs shall be erected in the same manner on at least two (2) boundaries of the property abutting land owned by the applicant. The sign posting requirement shall not apply to any change in zoning district designation involving an overlay zoning district.

Section 28-25, Definition of Specific Terms; Section 28-39, Special Regulations; Section 28-185, Conditional Use Permits; Section 28-203, Submission; and Section 28-248, Submission Requirements for Major Site Development Plans; and Section 22-57, Filing, Providing Guidelines on Cultural Resources. Mr. Fields motioned, seconded by Mr. Milde, to refer proposed Ordinance O06-47 to a committee of Mr. Fields and Mr. Milde.

The Voting Board tally was:

Yea: (6) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Absent: (1) Dudenhefer

Repeals 28-295, Zoning Administrator, to No Longer Authorize the Zoning

Administrator to Grant Variances for a Request from the Setback Requirements.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-49.

The Voting Board tally was:

Yea: (6) Gibbons, Milde, Schwartz, Brito, Cavalier, Fields

Nay: (0)

Absent: (1) Dudenhefer

Ordinance O06-49 reads as follows:

AN ORDINANCE TO REPEAL SECTION 28-295, ZONING ADMINISTRATOR, OF THE ZONING ORDINANCE

WHEREAS, Section 28-295 authorizes the Zoning Administrator to grant administrative variances for a request from the setback requirements provided the amount of the variance being requested does not exceed 10% of the total amount required; and

WHEREAS, Section 15.2-2286(4), of the Code of Virginia (1950), as amended, has been revised to delete reference to an administrative variance, and

WHEREAS, the Board desires to repeal unnecessary ordinances; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006 that Section 28-295 of the Zoning Ordinance be and it hereby is repealed as follows:

Sec. 28-295. Zoning administrator.

- (a) There shall be a zoning administrator who shall have the powers and duties granted to him by the Code of Virginia and such other powers and duties as may be delegated to him by the board of supervisors
- (b) The zoning administrator is hereby authorized to grant a variance from any building setback requirement contained in the zoning ordinance if the administrator finds in writing that:
 - (1) The granted variance will not exceed ten (10) percent of the required setback:

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(2) The strict application of the ordinance would produce undue

hardship;

(3) Such hardship is not shared generally by other properties in the same

zoning district and the same vicinity; and

(4) The authorization of the variance will not be of substantial detriment

to adjacent property and the character of the zoning district will not be

changed by the granting of the variance.

(c) Prior to the granting of an administrative variance, the zoning administrator

shall require the applicant to give written notice of the request for variance to all

adjoining property owners which gives an opportunity to respond to the request within

twenty one (21) days of the date of the notice. If any adjoining property owner objects to

said request in writing within the time specified above, the variance request shall be

transferred to the board of zoning appeals for decision.

Planning; Consider Various Amendments to the Subdivision Ordinance: Mr. Jeff

Harvey, Director of Planning and Community Development, gave a presentation on

various amendments to the subdivision ordinances.

The Chairman opened the public hearing on all subdivision ordinances.

The following persons spoke:

Spencer Hudson

Harvey Gold

Cecelia Kirkman

The Chairman closed the public hearing.

Section 22-251, Procedure for Appeal.

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-31.

The Voting Board tally was:

Yea: (5) Schwartz, Brito, Cavalier, Fields, Gibbons

Nay: (1) Milde

Absent: (1) Dudenhefer

Ordinance O06-31 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-251, PROCEDURE FOR APPEAL, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Subdivision Ordinance provides direction for someone who may be aggrieved by a decision by the agent or Planning Commission, and the appeal to the decision; and

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Statutes, and

WHEREAS, this amendment is to provide direction for someone who may be aggrieved by a decision of the agent to file an appeal with the Board; and

WHEREAS, the current ordinance requirements are not clear and do not follow state code provisions; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

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NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of

Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it

hereby is amended and reordained by amending Section 22-251 of the Subdivision

Ordinance as follows where all other portions remaining unchanged:

Sec. 22-251. Procedure for appeal the decision of the agent.

(a) When an applicant is aggrieved by the decision of the agent, or commission,

he may, within ten (10) days of the date of notification of such decision, appeal the

decision to the board of supervisors. Such appeal shall be made in writing to the agent

and shall state the specific act (or failure to act) and/or the specific interpretation which is

being appealed.

(b) Any person who is aggrieved by a waiver decision of the planning

commission under division 2 of this article may appeal to the board of supervisors. Such

appeal shall be in writing and must be filed with the clerk of the board within ten (10)

days after notification of the planning commission's decision.

Section 22-252, Authority to Grant.

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-32.

The Voting Board tally was:

Yea:

(5) Schwartz, Brito, Cavalier, Fields, Gibbons

Nay:

(1) Milde

Absent:

(1) Dudenhefer

Ordinance O06-32 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY

CODE BY AMENDING SECTION 22-252, AUTHORITY TO GRANT, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Statutes; and

WHEREAS, Section 15.2-2260 of the Code of Virginia (1950), as amended, requires someone who may be aggrieved by a decision by the Planning Commission on a preliminary subdivision plan to file for an appeal with the Circuit Court of Stafford; and

WHEREAS, the current ordinance requirements for appeals are not clear and do not follow State Code provisions; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-252 of the Subdivision Ordinance as follows where all other portions remaining unchanged:

Sec. 22-252. Authority to grant. Procedure for appeal of waiver determination by the planning commission.

(a) Upon an appeal under section 22-251(a), the board of supervisors shall consider whether the decision of the agent or commission, based on the record before the agent or commission, was based on a reasonable application of the prescribed standards. When the board finds the agent's or commission's decision reasonable,

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the board shall affirm; if unreasonable, the board may modify and affirm or

reverse the decision.

(b) Upon an appeal under section 22-251(b), the board of supervisors shall consider

whether the decision of the planning commission, based on the record before the

commission, was based on a reasonable application of the prescribed standards.

When the board finds the commission's decision reasonable, the board shall

affirm; unreasonable, the board may modify and affirm or reverse the decision.

Any person who is aggrieved by a waiver decision of the planning commission

under division 2 of this article may appeal to the board of supervisors. Such

appeal shall be in writing and must be filed with the clerk of the board within ten

(10) days after notification of the planning commission's decision.

Section 22-253, Time Limit for Acting on Appeal.

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-33.

The Voting Board tally was:

Yea:

(5) Brito, Cavalier, Fields, Gibbons, Schwartz

Nay:

(1) Milde

Absent:

(1) Dudenhefer

Ordinance O06-33 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY

CODE BY AMENDING SECTION 22-253, TIME LIMITS FOR

ACTING ON APPEALS, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and

comply with State Statutes; and

WHEREAS, the current ordinance requirements for appeals are not clear and do not follow State Code provisions; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-253 of the Subdivision Ordinance as follows where all other portions remaining unchanged:

Sec. 22-253. Time limit for acting on appeals. Authority to grant.

The board of supervisors shall act upon any appeal filed under this section within fourteen (14) days, unless there is no meeting scheduled, in which case the board shall act at its next regular meeting. Failure of the board to act within this time shall be deemed approval of the planning commission's or agent's decision.

Upon an appeal under section 22-251 and 22-252, the board of supervisors shall consider whether the decision of the agent or planning commission, based on the record before the agent or commission, was based on a reasonable application of the prescribed standards. If the board finds the agents or commission's decision reasonable, the board shall affirm; if the board finds the agent or commissions decision unreasonable, the board may modify and affirm or reverse the decision.

Section 22-254, Decision Final.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-34.

The Voting Board tally was:

Yea: (5) Cavalier, Fields, Gibbons, Schwartz, Brito

Nay: (1) Milde

Absent: (1) Dudenhefer

Ordinance O06-34 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-254, DECISION FINAL, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Statutes; and

WHEREAS, the current ordinance requirements for appeals are not clear and do not follow State Code provisions; and

WHEREAS, Section 22-254 states a decision by the Board is final; and

WHEREAS, decisions by the Board may be appealed to the Circuit Court; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it

hereby is amended and reordained by amending Section 22-254 of the Subdivision Ordinance as follows where all other portions remaining unchanged:

Sec. 22-254. Decision final. Time limit for acting on appeals.

The decision of the board of supervisors, in an appeal under this section, shall be final.

The board of supervisors shall act upon any appeal filed under this division within fourteen (14) days, unless there is no meeting scheduled, in which case the board shall act at its next regular meeting. Failure of the board to act within this time shall be deemed approval of the planning commission's or agent's decision.

Section 22-77, Review and Approval.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-35.

The Voting Board tally was:

Yea: (5) Fields, Gibbons, Schwartz, Brito, Cavalier

Nay: (1) Milde

Absent: (1) Dudenhefer

Ordinance O06-35 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-77, REVIEW AND APPROVAL, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Statutes; and

WHEREAS, the Subdivision Ordinance requires a decision to be made within sixty (60) days of submission of a construction plan to approve the plans, profiles and specifications; and

WHEREAS, the State Code does not require a decision to be made within sixty (60) days after the submission of a construction plan to approve the plans, profiles and specifications; and

WHEREAS, written comments for construction plans are distributed and discussed at the Technical Review Committee (TRC) meetings within five (5) weeks after the submission has been deemed acceptable; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-77 of the Subdivision Ordinance as follows where all other portions remaining unchanged:

Sec. 22-77. Review and approval.

(a) All plans, profiles, and specifications shall be distributed to the appropriate county department and/or state agency for review and recommendation. Comments and recommendations shall be coordinated at the meeting of the technical review committee. A decision shall be made within sixty (60) days of submission to approve the plans, profiles, and specifications.

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Section 22-4, Definition; Section 22-89, Review and Approval.

Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-36.

The Voting Board tally was:

Yea: (5) Fields, Gibbons, Schwartz, Brito, Cavalier

Nay: (1) Milde

Absent: (1) Dudenhefer

Ordinance O06-36 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-4, DEFINITIONS AND SECTION 22-89, REVIEW AND APPROVAL, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Statutes; and

WHEREAS, the Subdivision Ordinance requires a final plat to be submitted within one (1) year from the date a preliminary subdivision plan is approved in order to vest the rights of the preliminary subdivision plan; and

WHEREAS, incomplete applications are submitted to comply with the Subdivision Ordinance requirements to vest the rights of the preliminary subdivision plan; and

WHEREAS, it is the desire of the Board to state in the Subdivision Ordinance that in order for an application to be deemed accepted all of the submission requirements are met; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-4 and 22-89 of the Subdivision Ordinance as follows where all other portions remaining unchanged:

Sec. 22-4. Definitions.

Official submission. The status of a plan or plat which has been determined by the agent to have been filed in accordance with all subdivision requirements of this Chapter. The date on which the plan or plat is officially submitted shall establish the filing date for the plan or plat.

Sec. 22-89. Review and approval.

The following procedure shall be followed for review and approval of the final plat:

(3) Agent action:

- a. The agent shall take action within sixty (60) days of <u>official</u> submission of the final plat provided the following requirements are met:
 - 1. Compliance with the requirements and standards of design in accordance with this chapter;

- 2. Provision of a security with required documentation to cover the cost of necessary public improvements, in lieu of construction, as required by the Stafford County security policy;
- 3. Approval, as applicable, by the highway department and health department.
- b. Approval of the final plat shall be shown by affixing the signature of the agent to the plat.

Section 22-57, Filing.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-37.

The Voting Board tally was:

Yea: (5) Gibbons, Schwartz, Brito, Cavalier, Fields

Nay: (1) Milde

Absent: (1) Dudenhefer

Ordinance O06-37 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-57, FILING, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Statutes; and

WHEREAS, the Subdivision Ordinance requires the agent to notify the subdivider if the preliminary plan is incomplete or does not comply with the submission requirements, this requirement does not mandate the application to not be accepted; and

WHEREAS, the Board desire to state in the Subdivision Ordinance that in order for an application to be deemed accepted all of the submission requirements are met; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-57 of the Subdivision Ordinance as follows where all other portions remaining unchanged:

Sec. 22-57. Filing.

- (a) Prior to county review, a A subdivider shall file with the agent a completed an application for preliminary plan review on standard forms provided by the Planning

 Department with fee payments for preliminary plan review, accompanied by eight (8) prints of the preliminary plan with the applicable fee.
- (c) The agent shall notify the subdivider if the <u>application for preliminary plan</u> is incomplete or does not comply with the submission requirements of this chapter. <u>The application for preliminary plan review shall be considered "officially submitted" after it has been determined by the agent that all of the submission requirements have been met.</u>

Section 22-6, Vesting of Rights.

Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-38.

The Voting Board tally was:

Yea: (5) Schwartz, Brito, Cavalier, Fields, Gibbons

Nay: (1) Milde

Absent: (1) Dudenhefer

Ordinance O06-38 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-6, VESTING OF RIGHTS, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Statutes; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-6 of the Subdivision Ordinance as follows where all other portions remaining unchanged:

Sec. 22-6, Vesting of rights

No rights shall vest until approval of the preliminary plan has been given by the authority specified by this chapter. Upon approval of the preliminary plan, it shall be valid for a period of five (5) years provided that the subdivider submits a final plat for all or a portion of the property within one year of such approval and thereafter diligently pursues

approval of the final subdivision plat. Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years following preliminary subdivision plan approval, and upon ninety (90) days written notice by certified mail to the subdivider, the planning commission may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat. Should the above period for vested rights for preliminary plans expire, the subdivider must then make application for reapproval of the preliminary plans:

- (a) After preliminary plan approval and prior to recording a final subdivision plat, a construction plan, pursuant to Section 22-76 of this Chapter, shall be submitted and approved. The construction plan may be filed prior to or in conjunction with the submittal of an application for final subdivision plat.
- (b) An application for final subdivision plat for all or a portion of the property

 has been filed and deemed "officially submitted" by the agent within one (1)

 year of the approval of the preliminary plan. The final subdivision plat has

 been filed on standard forms provided by the Planning Department with the

 applicable fee and all of the submission requirements have been met.
 - (i) When a final subdivision plat has been officially submitted, the subdivider shall diligently pursue approval of the final subdivision plat. Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto.
 - (ii) However, no sooner than three (3) years following preliminary subdivision plan approval, and upon ninety (90) days written notice by certified mail to the subdivider, the planning commission may revoke the approved preliminary subdivision plan upon a specific finding of

facts that the subdivider has not diligently pursued approval of the final subdivision plat.

- (c) If record plat approval is sought for only a section of the subdivision, the subdivider shall have the right to record the remaining sections shown on the preliminary subdivision plan for a period of five (5) years from the preliminary subdivision approval date; or for such longer period as the planning commission may determine to be reasonable.
 - (i) The applicant shall provide a request to the planning commission in conjunction with the preliminary subdivision plan application that sets forth the duration of approval sought for the subdivision, based on its size and phasing.
 - (ii) Any applicant aggrieved by a decision of the planning commission concerning the length of time as prescribed in this section may appeal to the Board of Supervisors for review of such decision.
- (d) Should the above period for vested rights for preliminary subdivision plans expire, the subdivider shall then make a new application for the approval of the preliminary subdivision plan.

Section 22-63, Decision.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-40.

The Voting Board tally was:

Yea: (5) Schwartz, Brito, Cavalier, Fields, Gibbons

Nay: (1) Milde

Absent: (1) Dudenhefer

Ordinance O06-40 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-63, DECISIONS, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Statutes; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-63 of the Subdivision Ordinance as follows where all other portions remaining unchanged:

Sec. 22-63. Decision.

The Planning Commission shall make a decision of a complete application and Within sixty (60) days days of submission of a completed application, the subdivider shall be advised of the decision of the planning commission. Such notification shall be by letter and/or legible markings on the subdivider's copy of the preliminary plan. Unless the commission acts within the time limit, and no time extension is granted by the governing body or its agent, the preliminary plan shall be deemed approved. If the Planning Commission fails to approve or disapprove the preliminary plan within ninety (90) days after it has been officially submitted for approval, the subdivider after ten (10) days'

written notice to the Planning Commission, may petition the circuit court for Stafford County, to enter an order with respect thereto as deems proper, which may include directing approval of the preliminary subdivision plan.

Section 22-58, Content.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-41.

The Voting Board tally was:

Yea: (5) Brito, Cavalier, Fields, Gibbons, Schwartz

Nay: (1) Milde

Absent: (1) Dudenhefer

Ordinance O06-41 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-58, CONTENT, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and comply with State Statutes; and

WHEREAS, plans for Preliminary Subdivisions may consist of multiple sheets; and

WHEREAS, the Planning Commission desires the plan for Preliminary Subdivision provide an overall plan showing the proposed subdivision in its entirety on one (1) sheet and the overall plan is clear and an information legend is included; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

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WHEREAS, the Board finds that public necessity, convenience, general welfare,

or good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of

Supervisors on this the 20th day of June, 2006, that the Stafford County Code be and it

hereby is amended and reordained by amending Section 22-58 of the Subdivision

Ordinance as follows where all other portions remaining unchanged:

Sec. 22-58. Content.

The preliminary plan shall include the following:

(1) Generally. The subdivision name; names and addresses of owners and subdivider

and names of holder of any easements affecting the property; name and address of the

individual who prepared the plan; date of drawing (including the revision dates); number

of sheets; match-line key plan, if multiple sheets; overall plan, if multiple sheets, showing

the preliminary plan in its entirety on one (1) sheet, with an information legend and

without the match-line key plan information; north arrow shown, and where practical,

oriented to the top of the page; graphic scale; and a signature line for the chairman of the

planning commission.

Legislative; Consent Agenda. Mr. Cavalier motioned, seconded by Mr. Brito, to adopt

the Consent Agenda consisting of Items 12 thru 21, omitting items 15 and 17.

The Voting Board tally was:

Yea: (6) Cavalier, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Absent: (1) Dudenhefer

Item 12. Finance; Approve Expenditure Listings and Waive Board Approval for July and August..

Resolution R06-193 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED JUNE 6, 2006 THROUGH JUNE 19, 2006

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Expenditure Listing represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the above-mentioned EL be and it hereby is approved.

Resolution R06-308 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO WAIVE BOARD APPROVAL OF JULY AND AUGUST 2006
EXPENDITURE APPROVAL LISTINGS

WHEREAS, operating policy states that accounts payable invoices in excess of \$100,000 are released only upon Board approval; and

WHEREAS, the Board has scheduled only one meeting each month during July and August, 2006; and

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WHEREAS, the Board meeting schedule would cause some checks to be held

four to five weeks; and

WHEREAS, the Board will be provided with the expenditure listings for

ratification at its July 18th, August 1st, and September 5th meetings;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 20th day of June, 2006, that the County Administrator be and he

hereby is authorized to waive Board approval of expenditures in excess of \$100,000 for

the months of July and August, 2006.

Administration; Consider Compensation for the Board of Equalization.

Resolution R06-294 reads as follows:

A RESOLUTION TO AUTHORIZE COMPENSATION FOR THE

BOARD OF EQUALIZATION

WHEREAS, the Office of the Commissioner of the Revenue has completed the

2006 general assessment of real estate; and

WHEREAS, a three-member Board of Equalization has been appointed to

consider appeals on the valuations of real property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 20th day of June, 2006, that members of the Board of

Equalization be and they hereby shall be paid One Hundred Dollars (\$100) per day.

Legislative; Approve Proclamations.

Proclamation P06-26 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND

JULIE EHRMANN FOR EARNING THE GIRL SCOUTS 2006 TEEN GIRLS OF DISTINCTION AWARD

WHEREAS, Julie Ehrmann is a gifted athlete and scholar who graduated from Brooke Point High School in the Spring of 2006 with a Grade Point Average of 4.28; and

WHEREAS, Julie Ehrmann played on the soccer, basketball and field hockey teams, earning the Sportsman Award and Second Team All District in her Junior year, and Team All District and Second Team All Region as a Senior; and

WHEREAS, Julie Ehrmann was a member of the National Honor Society, served as President of the French Club, and participated in the Brooke Point High School Top Hawks Senior Mentoring Program; and

WHEREAS, in the Summer of 2005, Julie Ehrmann traveled to France as an American Student Representative of the Fredericksburg/Frejus-France Sister City Association; and

WHEREAS, Julie Ehrmann also volunteers with the St. William of York Catholic Church Vacation Bible School and at Marion Manor Nursing Home; is a member of the National Federation of the Blind Honors Society; collects Christmas toys for the Mary Washington Hospital Children's Center; and has earned both the Girl Scout Silver and Gold Awards; and

WHEREAS, in recognition of her many accomplishments and outstanding leadership qualities, Julie Erhmann was awarded the Girl Scouts 2006 Teen Girls of Distinction Award; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the sportsmanship, strong personal values and commitment to the community exhibited by

Julie Erhmann, and to wish her well as she enrolls at The Catholic University of America this fall;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that Julie Ehrmann be and she hereby is recognized and commended for her outstanding achievements.

Proclamation P06-27 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND GABRIELLA MARCH FOR EARNING THE GIRL SCOUTS 2006 TEEN GIRLS OF DISTINCTION AWARD

WHEREAS, Gabriella March graduated from Stafford High School in the Spring of 2006 with a Grade Point Average of 4.0; and

WHEREAS, Gabriella March began serving on Student Councils in Middle School, and honed her leadership skills at the National Young Leaders Conference 2004; United States Air Force Academy Summer Seminar 2005; Virginia Girls State 2005; and the 2006 Presidential Classroom hosted by Rotary Club; and

WHEREAS, Gabriella March earned District Champion and State Competitor honors as Captain of the Debate Team in 2006, placing fifth in the statewide Lincoln Douglas Debate and third overall for speaker points during that debate; and

WHEREAS, Gabriella March was a member of the National Honor Society; was elected Senior Class President; served as President and Secretary of the Interact Club; and the Relay for Life Team Captain for two years; and

WHEREAS, Gabriella March received the Coaches Award for Track and Field in 2003, earned the All Academic Award in 2004, and was also a member of the drama club, forensics club and the chorus; and

WHEREAS, Gabriella March's many awards include Outstanding Student in Honors English, 2006 All-State Chorus First Alternate, "A" Honor Roll in the 9th through 12th grades, National Hispanic Scholar, Outstanding Student in Advanced Geometry and Algebra 2, and the Girl Scouts Silver and Gold Awards; and

WHEREAS, in recognition of her many academic and athletic accomplishments and outstanding leadership qualities, Gabriella March was awarded the Girl Scouts 2006 Teen Girls of Distinction Award; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the commitment to excellence exhibited by Gabriella March, and to wish her well as she enrolls at Tulane University in the Fall to study physics and political science;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that Gabriella March be and she hereby is recognized and commended for her many outstanding achievements.

Proclamation P06-25 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND JEFFREY KENNETH MITCHELL

WHEREAS, at only eighteen years of age, Jeffrey Kenneth Mitchell has published his first book; and

WHEREAS, the paperback fiction fantasy, titled "The Dragon of the Desert Wind," features a protagonist named Azx who struggles to find his lost mother while trapped in a war which should have ended 2,000 years before he was born: and

WHEREAS, Jeffrey Mitchell, a fan of fantasy and science fiction, based the characters in the book on himself and his friends, packing 85 chapters with a renegade

dragon, shady characters, treacherous journeys and heroes and villains who grapple with good and evil; and

WHEREAS, Jeffrey Mitchell has composed poetry and short stories and drawn comic strips since he was a small child, exhibiting a unique talent which was ultimately recognized by PublishAmerica, a Maryland publishing company that specializes in undiscovered writers; and

WHEREAS, Jeffrey Mitchell plans to attend Germanna Community College prior to enrolling in a university where he will take seminary courses to become a minister; and

WHEREAS, the Board desires to congratulate Jeffrey Mitchell upon the publication of his first book and wish him well in future endeavors;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that Jeffrey Kenneth Mitchell be and he hereby is recognized and commended for his success as an author.

Proclamation P06-28 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND THE STAFFORD COUNTY DEPARTMENT OF SOCIAL SERVICES FOSTER CARE PROGRAM

WHEREAS, the Stafford County Department of Social Services and local foster families are committed to providing children with the opportunity to reside in loving, stable and nurturing home environments; and

WHEREAS, whether the placement is short- or long-term, foster parents agree to attend intensive training sessions through the Department of Social Services which include learning to work with the Court system to promote the interests of the children, and to undergo backgrounds checks, extensive interviews and home visits; and

WHEREAS, currently in Stafford County, 104 children are in the excellent care of 88 exceptional foster families whose contributions to the welfare of these children is immeasurable; and

WHEREAS, the Foster Care Program places children with individuals who are willing to cherish them, and to encourage them to develop a sense of identity and self worth, achieve success in school, and overcome emotional and behavioral challenges; and

WHEREAS, foster families are the un-sung heroes who step in to fill a void through their unconditional love for children and their desire to give back to them and to the community, often making the decision to adopt the children placed in their care; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the commitment and joy with which local foster families open their homes and their hearts to society's youngest and most innocent citizens;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the Stafford County Department of Social Services and local Foster Families be and they hereby are recognized and commended.

Proclamation P06-29 reads as follows:

A PROCLAMATION TO DECLARE AUGUST 5, 2006, AS NATIONAL GYMNASTICS DAY

WHEREAS, USA Gymnastics is celebrating National Gymnastics Day on August 6, 2005, to unite the millions of children who participate in the sport; and

WHEREAS, National Gymnastics Day seeks to introduce the value of physical fitness for every age, race, gender, and ability level; and

WHEREAS, gymnastics provides a strong foundation developing physical and mental skills that enrich the quality of life; and

WHEREAS, on National Gymnastics Day, gymnastics clubs across the United States partner with USA Gymnastics to heighten the visibility of the sport and encourage participation at the grassroots level; and

WHEREAS, collectively, our nation strives to encourage greatness and achievement in our young people, helping them to become champions in life;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that August 5, 2006, be and it hereby is declared as "National Gymnastics Day".

<u>Legislative</u>; Appoint Members to Boards, Authorities, Commissions and Committees.

Resolution R06-292 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE RAPPAHANNOCK AREA COMMUNITY SERVICES BOARD

WHEREAS, Sections 37.1-194 through 37.1-200 of the Code of Virginia (1950), as amended, authorize the Board to appoint members to serve on the Rappahannock Area Community Services Board (RACSB); and

WHEREAS, the Board's Bylaws allow three members from each political jurisdiction in Planning District 16, who serve three-year terms that are staggered by year and expire at the end of the fiscal year; and

WHEREAS, the Board has previously appointed the following:

NAME	<u>EXPIRATION</u>
David A. Vaughn (Member-At-Large)	June 30, 2006
Annette Johnson (Member-At-Large)	June 30, 2007
Charles Cooper	June 30, 2008

WHEREAS, the term of David A. Vaughn will expire June 30, 2006; and

WHEREAS, the Board desires to fill this appointment;

(Member-At-Large)

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that

<u>NAME</u>	EXPIRATION
David A. Vaughn (Member-At-Large)	June 30, 2009

be and he hereby is appointed to the Rappahannock Area Community Services Board.

Parks and Recreation; Execute a Contract to Operate the Youth Soccer Program.

Resolution R06-300 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT TO OPERATE THE YOUTH SOCCER
PROGRAM

WHEREAS, the Stafford Recreational Soccer League, Inc., is currently operating the youth soccer program in the County; and

WHEREAS, the Stafford Recreational Soccer League, Inc., has operated the program successfully; and

WHEREAS, the Stafford Recreational Soccer League has merged with the Stafford Soccer Club and created a new organization, the Stafford Area Soccer Association, which includes Recreational, Classic, and Travel Divisions; and

WHERAS, the Board has determined that it would be in the best interest of the citizens to permit the Stafford Area Soccer Association to continue to conduct the youth soccer program; and

WHEREAS, at a meeting on May 18, 2006, the Parks and Recreation Commission unanimously endorsed adoption of a new agreement with the Recreational Division of the Stafford Area Soccer Association;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the County Administrator be and he hereby is authorized to execute an Agreement with the Stafford Area Soccer Association to operate the youth soccer program.

<u>Utilities</u>; Authorize Renewal of a Contract Amendment for Water Meters and Accessories.

Resolution R06-301 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT AMENDMENT FOR WATER METERS
AND ACCESSORIES

WHEREAS, the Department of Utilities needs to purchase water meters and accessories; and

WHEREAS, the funds have been appropriated in the FY2007 Operating Budget for these purchases; and

WHEREAS, Invensys is the sole supplier for the water meters and accessories used by the County for its automated meter reading system;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the County Administrator be and he hereby is authorized to execute a contract amendment with Invensys in an amount not to exceed Two Hundred Thirty-three Thousand Eighty-two Dollars (\$233,082) extending the contract for the purchase of water meters and accessories through June 30, 2007.

<u>Utilities</u>; Authorize a Public Hearing to Grant an Easement between Lots 107 and 108 in the Eastern View Subdivision.

Resolution R06-302 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO GRANT AN EASEMENT BETWEEN LOT 107 AND 108 IN EASTERN VIEW

WHEREAS, the owner of parcel 19-67U has requested an easement across County property located in the Eastern View Subdivision to relocate water and sewer service lines; and

WHEREAS, the granting of this easement will not impede County use of the property; and

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires that a public hearing be held prior to the granting of such an easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the County Administrator be and he

hereby is authorized to advertise a public hearing on the granting of an easement to the benefit of parcels 19-67U and 19-67R.

Fire and Rescue; Authorize the Purchase of a Records Management System.

Resolution R06-284 reads as follows:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A RECORDS MANAGEMENT SYSTEM FOR THE FIRE, RESCUE AND EMERGENCY SERVICES

WHEREAS, the Department of Fire, Rescue and Emergency Services desires to purchase the EMS Patient Care Data Field Collection reporting system from High Plains Software which will operate in conjunction with the ambulance care and transportation fee cost recovery program the County plans to implement; and

WHEREAS, the City of Alexandria and High Plains Software entered into a contract on June 23, 2005, for a records management system that included a provision for use of the contract by other regional jurisdictions; and

WHEREAS, the initial cost of this software would not exceed One Hundred Eighty Thousand Dollars (\$180,000) and is budgeted in FY07 through ambulance fees and federal grant money; and

WHEREAS, the costs associated with the purchase of the software would be Twenty-one Thousand Dollars (\$21,000) annually; and

WHEREAS, the Fire, Rescue and Emergency Services FY07 budget will be impacted by an increase of Twenty-one Thousand Dollars (\$21,000) for the support of this software;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that the County Administrator be and he hereby is authorized to purchase the EMS Patient Care Data Field Collection Reporting System from High Plains Software and amend the Fire, Rescue and Emergency Services FY07 budget by Twenty-one Thousand Dollars (\$21,000) annually to cover the service and support of this system.

Budget; Appropriate FY2007 School Funds. Mr. Milde commented.

The County Administrator commented further.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-295.

The Voting Board tally was:

Yea: (6) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Absent: (1) Dudenhefer

Resolution R06-295 reads as follows:

A RESOLUTION TO AMEND AND APPROPRIATE THE FISCAL YEAR 2007 SCHOOL FUNDS

WHEREAS, a public hearing on the proposed Fiscal Year 2007 Budget was held on Tuesday April 11, 2007, at 7:00 in the auditorium of Brooke Point High; and

WHEREAS, the Board has held budget work sessions at which members have analyzed, deliberated and reviewed citizen comments; and

WHEREAS, the Board adopted Resolution R06-186 on April 26, 2006, which approved the FY2007 School Budgets; and

WHEREAS, the School Board has requested that the School Fund be amended and appropriated to reflect the changes made as a result of Resolution R06-186;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that Fiscal Year 2007 School Funds be and it hereby are amended and appropriated as follows:

SCHOOL OPERATING FUND	\$ 241,197,555
SCHOOL CONSTRUCTION FUND	\$ 56,988,824
HEALTH SERVICES FUND	\$ 22,880,656
NUTRITION SERVICES FUND	\$ 9,537,110
FLEET SERVICES FUND	\$ 3,778,870
WORKERS' COMPENSATION FUND	\$ 1,072,803
TOTAL SCHOOL FUNDS	\$ 335,455,818

<u>Utilities</u>; Approve Amendment to Sewer Pro Rata Credit Agreement with Stafford Associates LP for Augustine Central Subdivision. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-263.

The Voting Board tally was:

Yea: (6) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Absent: (1) Dudenhefer

Resolution R06-263 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT WITH STAFFORD ASSOCIATES
LIMITED PARTNERSHIP GOVERNING REIMBURSEMENT OF
SEWER PRO RATA CREDITS FOR THE AUGUSTINE CENTRAL
SUBDIVISION

WHEREAS, the pro rata policy stated in Resolution R91-125(R-5), sets forth a mechanism for financing water and sewer infrastructure shown in the Water and Sewer Master Plan; and

WHEREAS, the Stafford County Water and Sewer Master Plan identifies certain sewer force main, pumping station, and interceptor projects necessary to serve the proposed Augustine Central Subdivision; and

WHEREAS, the County desires the construction of the Aquia Force Main which is also shown on the Stafford County Water and Sewer Master Plan; and

WHEREAS, Stafford Associates LP desires to construct the sewer projects identified in the Water and Sewer Master Plan in exchange for sewer pro rata credits; and

WHEREAS, the County desires the construction of the sewer projects proposed for construction by Stafford Associates LP; and

WHEREAS, the County now desires to construct the Upper Accokeek Pumping Station itself; and

WHEREAS, the County and Stafford Associates have entered into a Sewer Pro Rata Agreement dated July 13, 2004, which both parties wish to revise; and

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WHEREAS, it is necessary for the County to enter into a revised agreement with

Stafford Associates LP regarding the responsibilities for construction of the infrastructure

necessary to serve the Augustine Central subdivision and the Aquia Force Main and the

conditions for the use of such credits in paying pro rata charges and the reimbursement of

excess pro rata credits;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 20th day of June, 2006, that the County Administrator be and he

hereby is authorized to execute a contract with Stafford Associates LP setting forth the

conditions for valuation, application, and reimbursement of sewer pro rata credits for the

Augustine Central Subdivision.

Planning; Consider a Conditional Use Permit at 690 Warrenton Road. Mr. Schwartz

commented.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-267.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Cavalier, to defer this item to the

next Board meeting.

The Voting Board tally on the substitute motion was:

Yea:

(3) Milde, Cavalier, Gibbons

Nay:

(3) Schwartz, Brito, Fields

Absent:

(1) Dudenhefer

The Voting Board tally on the original motion was:

(1)

Yea:

(3) Schwartz, Brito, Fields

Nay:

(3) Milde, Cavalier, Gibbons

Absent:

Dudenhefer

Discussion further ensued.

Mr. Gibbons motioned, seconded by Mr. Cavalier, to defer this item to the next Board meeting.

The Voting Board tally was:

Yea: (5) Schwartz, Cavalier, Fields, Gibbons, Milde

Nay: (1) Brito

Absent: (1) Dudenhefer

<u>Planning</u>; Reconsider a Decision by the Planning Commission to Approve Extension of Public Sewer to the Leeland Station Subdivision, Sections 5 and 7.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-288.

The Voting Board tally was:

Yea: (6) Brito, Cavalier, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Absent: (1) Dudenhefer

ResolutionR06-288 reads as follows:

A RESOLUTION TO APPROVE A REQUEST FOR THE EXTENSION OF PUBLIC SEWER OUTSIDE THE URBAN SERVICE AREA TO SERVE ONLY THE LEELAND STATION SECTION 5 AND 7 SUBDIVISION, ASSESSOR'S PARCELS 46-92B AND 46-93

WHEREAS, H. Clark Leming, applicant for Leeland Station LLC, has submitted a request for extension of public sewer outside the Urban Service Area to Assessor's Parcels 46-92B and 93; and

WHEREAS, at a meeting on May 3, 2006, the Planning Commission voted 6-0 to approve the request; and

WHEREAS, the Board has requested further consideration of the decision of the Planning Commission; and

WHEREAS, the Applicant and Applicant's Representative have agreed that the extension of the proposed sewer line outside the County's Urban Service Area boundary can be restricted to providing sewer service to only those properties located inside the County's Urban Service Area; and

WHEREAS, any approval of the Comprehensive Plan consistency review by the Board can be restricted to prohibit the provision of sewer service to properties located outside the County's Urban Service Area; and

WHEREAS, Sections 5 and 7 of Leeland Station Subdivision are located inside the County's Urban Service Area and have been approved to be served by County sewer and service; and

WHEREAS, Section 8 of Leeland Station Subdivision is located outside the County's Urban Service Area and has not been approved to be served by County sewer service; and

WHEREAS, the Board finds that the extension of sewer service outside the Urban Service Area is not consistent with the Comprehensive Plan, and sewer service is not available outside the Urban Service Area; and

WHEREAS, the Board finds restricting the extension of the proposed sewer line to providing sewer service to only properties located with the County's Urban Service Area boundary is consistent with the Comprehensive Plan; and

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WHEREAS, the Board finds that the proposed sewer line must be restricted

against serving properties located outside the County's Urban Service Area boundary in

order to be consistent with the Comprehensive Plan; and

WHEREAS, the Board finds that allowing the proposed sewer line to extend

outside the Urban Service Area boundary is appropriate in this case only so long as sewer

service is provided only to the properties located inside the Urban Service Area

consisting of Sections 5 and 7 of Leeland Station Subdivision;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 20th day of June, 2006, to approve the extension of public sewer

service to Assessor's Parcels 46-92B and 46-93 with the restriction that sewer service be

provided only to those properties located inside the County's Urban Service Area and

that sewer service is prohibited to any properties located along the sewer line that are

located outside the County's Urban Service Area boundary.

Planning; Amend and Reordain the Zoning Ordinance Regarding Section 28-25,

Definition, District Uses and Standards, and Required Parking for Schools. Mr. Brito

motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-01 with a change.

The Voting Board tally was:

Yea:

(6) Cavalier, Fields, Gibbons, Milde, Schwartz, Brito

Nay:

(0)

Absent:

(1) Dudenhefer

Ordinance O06-01 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN SECTION

28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-35,

TABLE OF USES AND STANDARDS; TABLE 3.1 DISTRICT

USES AND STANDARDS; TABLE 7.1, REQUIRED PARKING SPACES, OF THE ZONING ORDINANCE

WHEREAS, by definition, there are only three types of schools in the County, public schools as a public facility, vocational schools and schools; and

WHEREAS, if a facility is designed, constructed or used for education or as an institution in any branch of knowledge excluding a public school or those meeting the definition of a vocational school, it shall be considered a school; and

WHEREAS, changes in society and the workplace has created a need to provide instructions or training in areas of advancement or expertise not meeting the definition of a vocational school and not appropriate for certain zoning districts in which a school is permitted; and

WHEREAS, the Board desires to establish appropriate definitions for schools to address the needs of institutions; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good subdivision and zoning practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of June, 2006 that Sections 28-25, 28-35, Table 3.1 and Table 7.1 of the Zoning Ordinance be and it hereby is amended and reordained as follows, with all other portions remaining the same:

Sec. 28-25. Definitions of specific terms.

Public facilities. Any public works supplied generally by a governmental organization. Such public works shall include, but not limited to, airports, parks, schools <u>owned and/or operated by Stafford County or the Commonwealth of Virginia</u>, water and sewer facilities and police and fire protection facilities.

School. Any building or part thereof which is designed constructed or used for education or instruction in any branch of knowledge excluding <u>industrial or</u> vocational schools <u>or any schools owned and/or operated by Stafford County or the Commonwealth of Virginia</u>.

School, industrial. An establishment which primarily teaches usable skills that prepare students for jobs in a trade or business that include, but not limited to:

- (a) the mechanical or chemical transformation of materials and goods into finished products.
- (b) <u>the assembly or disassembly of machinery or equipment</u>
- (c) the use of chemicals or solvents for finished products
- (d) <u>the discharging of firearms</u>
- (e) <u>defense driving techniques</u>
- (f) <u>driving trucks or heavy equipment</u>

School, vocational. An establishment offering courses of training in a skill or trade including instruction for certification by the state to operate an automobile or motorcycle. This term shall not include any training or instruction that requires the discharging of firearms, techniques for defense driving or operating a truck or heavy equipment. Except for automobile driving schools, all instructions and training shall be conducted indoors.

Sec. 28-35. Table of uses and standards.

Table 3.1. District Uses and Standards

- B-1 Convenience Commercial:
- (a) Uses permitted by right:

School, vocational

B-2 Urban Commercial:

(a) Uses permitted by right:

School, vocational

B-3 Office:

(a) Uses permitted by right:

School, vocational

RBC Recreational Business Campus

- (a) Uses permitted by right:
- (b) Conditional use permit:

School

School, vocational

RC Rural Commercial

(a) Uses permitted by right:

School, vocational

SC Suburban Commercial.

(a) Uses permitted by right:

School, vocational

M-1 Industrial Light

(a) Uses permitted by right:

School, vocational

(b) Conditional use permit:

School, industrial

M-2 Industrial, Heavy

(a) Uses permitted by right:

School, vocational

PD-1 Planned Development 1.

(a) Uses permitted by right:

School, vocational

PD-2 Planned Development 2.

(a) Uses permitted by right:

School, vocational

HC Highway Corridor Overlay

(b) Conditional use permit:

(14) School, industrial

Table 7.1

Required Parking Spaces

Schools, including public schools:		
Day/nursery schools	Per 10 students	2.0
Elementary	Per 25 students	1.5
	Per 100 students	<u>1 bus</u>
<u>Middle</u>		
	Per 15 students	<u>1.0</u>
	Per 100 students	<u>1 bus</u>
High and prep		

	Per 5 students	1.0
Vocational/professional/ <u>industrial</u> and	Per 100 square feet gfa classroom space	4.0
College/university	Per 100 square feet gfa classroom space If dormitory/residence on campus	2.0
	Per 400 square feet gfa gymnasium space	1.0
	Per 300 square feet gfa office/admin space	1.0
	Per dormitory/residence room	1.0

<u>Human Resources; Authorize Zoning Ordinance Amendment to Remove Glencairne</u>

<u>Historic Resource Overlay District.</u> Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-305.

The Voting Board tally was:

Yea: (6) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Absent: (1) Dudenhefer

Resolution R06-305 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO INITIATE A ZONING ORDINANCE AMENDMENT TO REMOVE

GLENCAIRNE HISTORIC RESOURCE OVERLAY DISTRICT

CLASSIFICATION

WHEREAS, the property owner recommends that the Board initiate a Zoning

Ordinance amendment to remove the historic resource classification of Assessor's Parcels

45-220 and 45-220E; and

WHEREAS, a portion of the property is under contract to become a County park

and another portion of the property has received approvals for residential development;

and

WHEREAS, the property owner proposes to place a conservation easement on the

remainder of the property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 20th day of June, 2006, that the County Administrator be and he

hereby is authorized initiate a Zoning Ordinance amendment to remove the Historic

Overlay Zoning District classification on Assessor's Parcels 45-220 and 45-220E.

Legislative; Discuss Sixth Annual Force Protection Equipment Demonstration (F-PEL6).

Mr. Gibbons commented.

Hearing no objections from the Board, this item was deleted from the Regular Agenda.

Legislative; Additions. Mr. Cavalier motioned, seconded by Mr. Schwartz, to approve

the additions to the Regular Agenda.

The Voting Board tally was:

Yea:

(6) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay:

(0)

Absent: (1) Dudenhefer

<u>Legislative</u>; Parks and Recreation 2001 Bond Fund Prioritization. Mr. Cavalier commented.

Mr. Brito motioned, seconded by Mr. Schwartz, to defer this item to the next Board meeting.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Gibbons, Schwartz, Brito, Fields

Nay: (2) Milde, Cavalier

Absent: (1) Dudenhefer

<u>Legislative</u>; <u>Discuss Rezoning Application for Tax Map Parcels 46-21, 26, and 27</u> (<u>Forbes Landing</u>) be referred to the <u>Planning Commission</u>. Mr. Schwartz motioned, seconded by Mr. Fields, to refer the rezoning application for tax map parcels 46-21, 26, and 27 (Forbes Landing) to the <u>Planning Commission</u>.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Brito, Cavalier, Fields, Gibbons

Nay: (0)

Absent: (1) Dudenhefer

<u>Presentation – Discovery Days 2006 at Aquia Landing.</u> Megan Orient, Tourism Manager, gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Closed Meeting.</u> At 9:42 P.M., Mr. Fields motioned, seconded by Mr. Brito, to adopt proposed Resolution CM06-23.

The Voting Board tally was:

Yea: (6) Schwartz, Brito, Cavalier, Fields, Gibbons, Milde

Nay: (0)

Absent: (1) Dudenhefer

Resolution CM06-23 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to consult with counsel and discuss in Closed Meeting three matters related to the acquisition of real property for public purpose and legal advice in regard to four matters: Smith Lake Park contract issues, Colonial Port Subdivision issues; Stafford Lakes Limited Partnership v. Board of Supervisors of Stafford County, VA, et al. and Widewater/Potomac Hills contract negotiations; and

WHEREAS, pursuant to Section 2.2-3711 A3 and A7 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 20th day of June, 2006 does hereby authorize discussions of the aforestated matter in Closed Meeting.

Call to Order. At 10:15 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; Closed Meeting Certification. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-23a.

The Voting Board tally was:

Yea: (6) Brito, Cavalier, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Absent: (1) Dudenhefer

Resolution CM06-23a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

JUNE 20, 2006

WHEREAS, the Board has, on this the 20th day of June, 2006, adjourned into a

closed meeting in accordance with a formal vote of the Board and in accordance with the

provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective

July 1, 1989, provides for certification that such Closed Meeting was conducted in

conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 20th day of June 2006, that to the best of each

member's knowledge: (1) only public business matters lawfully exempted from open

meeting requirements under the Virginia Freedom of Information Act were discussed in

the Closed Meeting to which this certification applies; and (2) only such public business

matters as were identified in the Motion by which the said Closed Meeting was convened

were heard, discussed, or considered by the Board. No member dissents from the

aforesaid certification.

Legislative; Acquisition of Land for Pump Station. Mr. Cavalier motioned, seconded by

Mr. Milde, to authorize the acquisition of a parcel of land for a pump station in Aquia

Harbour.

The Voting Board tally was:

Yea: (6) Cavalier, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Absent: (1) Dudenhefer

<u>Legislative</u>; Authorize a Public Hearing to Consider Condemnation of Property at 642 <u>Mountain View Road.</u> Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-304.

The Voting Board tally was:

Yea: (6) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Absent: (1) Dudenhefer

Resolution R06-304 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE WATERLINE AND TEMPORARY CONSTRUCTION EASEMENTS FROM THE PROPERTY OF DONALD THOMAS, 642 MOUNTAIN VIEW ROAD (TAX MAP PARCEL 37-75) IN CONNECTION WITH THE MOUNTAIN VIEW ROAD WATERLINE PROJECT

WHEREAS, the Stafford County Utilities Department has constructed a water main along Centreport Parkway between Ramoth Church Road and Mountain View Road; and

WHEREAS, an additional water main was included in the original design to connect the Centreport Parkway waterline to an existing water main on Mountain View Road; and

WHEREAS, in order to construct this water main connection, a waterline easement and temporary construction easement across the front of Tax Map Parcel 37-75 owned by Donald Thomas at 642 Mountain View Road is required; and

WHEREAS, the Utilities Department has made a bona fide formal offer to the owner of the property offering the fair market value of the required easements; and

WHEREAS, the fair market value for the above-referenced easements is Six Thousand Six Hundred Seventy Dollars (\$6,670.00); and

WHEREAS, the Department of Utilities has been unsuccessful in negotiating a final settlement with the owner of the property, and will continue to work with the property owner to reach an acceptable settlement; and

WHEREAS, the Stafford County Board of Supervisors must conduct a public hearing, after advertisement in accordance with Sections 15.2-1901A and 15.2-1905C, Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that it shall conduct a public hearing to be scheduled under the provisions of Sections 15.2-1901A and 15.2-1905C, Va. Code Ann., to consider the necessity for condemnation and necessity for the use of the County's quick-take powers to immediately acquire the easements described above for the Mountain View Road waterline project; and

BE IT FURTHER RESOLVED that the public hearing be properly advertised for the foregoing purposes.

<u>Legislative</u>; <u>Closed Meeting</u>. At 10:18 P.M., Mr. Milde motioned, seconded by Mr. Fields to adopt proposed Resolution CM06-24.

The Voting Board tally was:

Yea: (6) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Absent: (1)

Resolution CM06-24 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to consult with counsel and discuss in Closed Meeting the acquisition of real property for public purpose in regard to Crow's Nest; and

WHEREAS, pursuant to Section 2.2-3711 A3 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 20th day of June, 2006 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 10:25 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-24a.

The Voting Board tally was:

Yea: (6) Gibbons, Milde, Schwartz, Brito, Cavalier, Fields

Nay: (0)

Absent: (1) Dudenhefer

Resolution CM0624a reads as follows:

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A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

JUNE 20, 2006

WHEREAS, the Board has, on this the 20th day of June, 2006, adjourned into a

closed meeting in accordance with a formal vote of the Board and in accordance with the

provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective

July 1, 1989, provides for certification that such Closed Meeting was conducted in

conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 20th day of June 2006, that to the best of each

member's knowledge: (1) only public business matters lawfully exempted from open

meeting requirements under the Virginia Freedom of Information Act were discussed in

the Closed Meeting to which this certification applies; and (2) only such public business

matters as were identified in the Motion by which the said Closed Meeting was convened

were heard, discussed, or considered by the Board. No member dissents from the

aforesaid certification.

Legislative; Condemnation of Crows Nest Property. Mr. Milde motioned, seconded by

Mr. Fields, to adopt proposed Resolution R06-322.

The Voting Board tally was:

Yea:

(6) Milde, Schwartz, Brito, Cavalier, Fields, Gibbons

Nay:

(0)

Absent:

(1) Dudenhefer

Resolution R06-322 reads as follows:

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF THE CROW'S NEST PROPERTY, CONSISTING OF PARTS OF TAX MAPS NOS. 48-1 AND 49-27 (APPROXIMATELY 2,887 ACRES EAST OF RAVEN ROAD AND EVERGREEN DRIVE AND CROW'S NEST HARBOUR SUBDIVISION, WEST OF ACCOKEEK CREEK, NORTH OF POTOMAC CREEK AND ALONG THE SOUTHERN RIGHT OF WAY OF MULBERRY DRIVE, FOREST DRIVE, SYCAMORE DRIVE, HICKORY DRIVE AND BROOK ROAD (ROUTE 608) AND TO THE SOUTH OF ACCOKEEK CREEK) BY CONDEMNATION FOR PUBLIC PARK PURPOSES

WHEREAS, by Resolution R06-182 dated March 21, 2006, the Board of Supervisors has previously authorized the acquisition of the property commonly referred to as the Crow's Nest property owned by Stafford Lakes LP for public park purposes; and

WHEREAS, on May 19, 2006, a bona fide offer to purchase the Crow's Nest property involving specified portion of County Tax Parcels 48-1 and 49-27 at the full fair market appraised value determined by an independent appraiser was formally submitted to the owner in writing; and

WHEREAS, additional title work was procured subsequent to the May 19, 2006 offer so as to ensure that all owners of record were identified; and

WHEREAS, this additional title work identifies the potential ownership of mineral rights in the property; and

WHEREAS, while not accepting or countering the bona fide offer made to it on May 19, 2006, the landowner has advised the County that a contract purchaser of the property exists and has identified that contact purchaser; and

WHEREAS, Stafford County and the owner of the fee simple rights in the property have been unable to agree on the compensation to be paid or other terms of purchase or settlement for the acquisition of the property as identified in the offer made on behalf of the County by letter dated May 19, 2006; and

WHEREAS, the Board of Supervisors desires to pursue condemnation to finalize the acquisition of the Crow's Nest property identified in the May 19, 2006 letter to the owner of the Crow's Nest property for public park purposes for the citizens of Stafford County and the surrounding area; and

WHEREAS, the Board of Supervisors has determined that there is a need for additional public parks for the recreation of citizens of Stafford County and the surrounding area, and that the Crow's Nest property is appropriate for this public use; and

WHEREAS, it is appropriate to remake the May 19, 2006 offer in the same full amount of the appraised value as determined by an independent appraiser in light of new title work to the landowner as well as the identified contract purchaser and the owner of alleged mineral rights identified by the new title work;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2006, that it does hereby approve the proposed acquisition of the Crow's Nest property identified in the May 19, 2006 offer letter for public park purposes by eminent domain; and

BE IT FURTHER RESOLVED that the Board of Supervisors directs that the May 19, 2006 offer be immediately remade to the landowner, the identified contract purchaser and the owner of alleged mineral rights in proportion to their actual ownership interests; and

BE IT FURTHER RESOLVED that the Board of Supervisors does hereby direct the acquisition of the Crow's Nest property identified in its May 19, 2006 offer letter for the public use as a public park by condemnation, if the remade May 19, 2006 offer is not accepted or does not produce an acceptable counteroffer by June 30, 2006; and

BE IT STILL FURTHER RESOLVED that the Board of Supervisors instructs its attorneys to file the necessary petition for condemnation as soon as practicable.

Adjournment. At 10:31 P. M., the Chairman declared the meeting adjourned.		
Steve Crosby	Robert C. Gibbons	
County Administrator	Chairman	